

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES EDWARD ROTHMAN,)	
)	
Petitioner,)	
)	
v.)	No. 4:12CV1745 HEA
)	
JEAN ANN JOHNSON,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. #1].

Petitioner is challenging an October 1, 2008 conviction entered in Scott County, Missouri. After reviewing the petition, the Court has determined that the instant action is duplicative of a § 2254 action that petitioner filed on September 14, 2012, and which is currently pending in this Court. See Rothman v. Johnson, 4:12-CV-1674-DDN (E.D.Mo.). As a result, the instant action will be dismissed, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the instant 28 U.S.C. § 2254 action is **DISMISSED**, without prejudice, as duplicative.

IT IS FURTHER ORDERED that no certificate of appealability shall issue. See 28 U.S.C. § 2253.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 25th day of October, 2012.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE